

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. ) 3:15-CR-021-HDM-(VPC)  
 )  
LEROY BERRY, )  
 )  
Defendant. )

**PRELIMINARY ORDER OF FORFEITURE**

This Court finds that on April 7, 2015, defendant LEROY BERRY pled guilty to Count Three of a Three-Count Indictment charging him with Possession of a Firearm in Furtherance of a Drug Trafficking Crime in violation of Title 18, United States Code, Section 924(c)(1)(A)(i). Indictment, ECF No. 1; Plea Agreement, ECF No. 16; Change of Plea, ECF No. 18.

This Court finds defendant LEROY BERRY agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Indictment. Indictment, ECF No. 1; Plea Agreement, ECF No. 16; Change of Plea, ECF No. 18.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Indictment and the offense to which defendant LEROY BERRY pled guilty.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) with Title 28, United States Code, Section 2461(c):

1. a Walther PPS 9mm handgun bearing serial number AE0290; and

1           2. any and all ammunition  
2 (all of which constitutes “property”).

3           This Court finds the United States of America is now entitled to, and should, reduce the  
4 aforementioned property to the possession of the United States of America.

5           NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
6 United States of America should seize the aforementioned property.

7           IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of  
8 LEROY BERRY in the aforementioned property is forfeited and is vested in the United States of  
9 America and shall be safely held by the United States of America until further order of the Court.

10          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America  
11 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture  
12 website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe the forfeited property, state the  
13 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the  
14 name and contact information for the government attorney to be served with the petition, pursuant to  
15 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

16          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity  
17 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate  
18 the validity of the petitioner’s alleged interest in the property, which petition shall be signed by the  
19 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and  
20 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner’s  
21 right, title, or interest in the forfeited property and any additional facts supporting the petitioner’s  
22 petition and the relief sought.

23          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed  
24 with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South  
25 Virginia Street, 3rd Floor, Reno, NV 89501, no later than thirty (30) days after the notice is sent or, if

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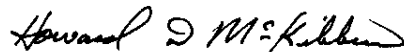
1 direct notice was not sent, no later than sixty (60) days after the first day of the publication on the  
2 official internet government forfeiture site, www.forfeiture.gov.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,  
4 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
5 following address at the time of filing:

6 Greg Addington  
7 Assistant United States Attorney  
8 100 West Liberty Street, Suite 600  
9 Reno, NV 89501

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein  
11 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency  
12 following publication of notice of seizure and intent to administratively forfeit the above-described  
13 property.

14 DATED this 10th day of April, 2015.

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UNITED STATES DISTRICT JUDGE  
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